

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THEODORE R. LAZIER,

Plaintiff,

v.

COALINGA STATE HOSPITAL, *et al.*,

Defendants.

Case No. 1:21-cv-01362-BAM (PC)

ORDER GRANTING MOTION TO  
PROCEED *IN FORMA PAUPERIS*  
(ECF No. 2)

ORDER DIRECTING PAYMENT OF  
INMATE FILING FEE BY GRACEVILLE  
CORRECTIONAL & REHABILITATION  
FACILITY

Plaintiff Theodore R. Lazier (“Plaintiff”) is a former civil detainee and current Florida state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983.

Plaintiff initiated this action on August 12, 2021 in the United States District Court for the Northern District of Florida, together with a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1, 2.) The action was transferred to the Eastern District of California on September 13, 2021. (ECF No. 6.)

The Court has reviewed Plaintiff’s motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, as well as his statement regarding the financial certificate portion of his motion. (ECF No. 2.) Plaintiff explains that he has been unable to obtain a printout of his balance history for the majority of the past six months because he was only transferred to his current institution two weeks prior to filing suit, and he has not received any response from his former institution. Plaintiff has instead provided a receipt showing his current available balance of \$149.51. (*Id.*)

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. The Graceville Correctional & Rehabilitation Facility is required to send to the Clerk of the Court payments from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 2), is GRANTED;

**2. The Warden of the Graceville Correctional & Rehabilitation Facility or his or her designee shall collect payments from Plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by the name and number assigned to this action;**

3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in forma pauperis* application on the Warden/ of the Graceville Correctional & Rehabilitation Facility, via the United States Postal Service; and

4. The Clerk of the Court is directed to serve a copy of this order on the Financial Department, U.S. District Court, Eastern District of California.

IT IS SO ORDERED.

Dated: September 15, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE